

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION



Project Name: AMBOY TERRITORIAL DAYS PARK

Case Number: CUP2009-00010; PSR2009-00039; SEP2009-00080

Location: 21400 NE 399th Street

Request: The applicant requests Conditional Use Permit and Site Plan approval to place two modular buildings on Amboy Territorial Days Park to be used for storage and part time office facilities. The site is located on 18.37 acres in the Parks/Wildlife zoning district.

Applicant: Rick Johnson
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Vancouver, WA 98682
(360)314-2017
johnson2194@comcast.net

Contact Person: Cascade Field Services
13414 NE 39th Avenue
Vancouver, WA 98685
(360)931-4680
cascadefs@comcast.net

Property Owner: Amboy Territorial Days Association
PO Box 203
Amboy, WA 98601

RECOMMENDATION

Approval, subject to Conditions

DS Manager's Initials: MJT **Date Issued:** March 24, 2010

Public Hearing Date: April 8, 2010

County Review Staff:

	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
Engineer: (Trans. & Stormwater)	David Bottamini PE	4881	David.bottamini@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	David.jardin@clark.wa.gov
Habitat:	George Fornes	5601	George.fornes@clark.wa.gov
Manager:	Michael Butts	4137	Michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan PE	4064	Sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte PE	4017	Steve.schulte@clark.wa.gov
Fire Marshal:	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: Parks/Open Space

Parcel Numbers: Tax Lots 4 (275463) & 92 (275549) located in the SE Qtr of Section 17, Township 5 North, Range 3 East of the Willamette Meridian.

Applicable Laws:

Clark County Code (CCC) 15.12 (Fire), 40.210.030 (Rural Center Residential Districts), 40.340 (Parking), 40.350 (Transportation), 40.360 (Solid Waste/Recycling), 40.370 (Sewer/Water), 40.380 (Stormwater/Erosion Control), 40.500 (Procedures), 40.510.030 (Type III Process), 40.520.030 (Conditional Use Permits), 40.520.040 (Site Plan Review), 40.530 (Nonconforming Uses, Structures & Lots), 40.550.010 Road Modifications, 40.570 (SEPA), 40.610 (Impact Fees), & Title 24 (Public Health).

Neighborhood Association/Contact:

The site is not located within the boundaries of any county-recognized Neighborhood Association.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on September 6, 2007. The pre-application did not qualify to be contingently vested.

The fully complete application was submitted on January 11, 2010 and determined to be fully complete on January 25, 2010. Given these facts the application is vested on January 11, 2010.

Time Limits:

The application was determined to be fully complete on January 25, 2010. Therefore, the County Code requirement for issuing a decision within 92 days lapses on April 27, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on May 25, 2010.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Neighborhood Associations Council of Clark County, SEPA Agencies, and owners of property located within 500 feet of the site on February 3 2010. One sign was posted on the subject property and two within the vicinity on March 19, 2010.

Public Comments:

The county has received no public comment letters in response to the public notice.

Project Overview

The site is approximately 18.37 acres in size and consists of two tax parcels (275549 & 275463) that have been determined through the county's legal lot determination to constitute a single lot of record. The site has split zoning, with the easterly tax lot (275549) zoned Rural Center (RC-2.5) and the larger parcel (275463) zoned Parks/Wildlife (PWL).

The property is owned by a Washington Non-profit Corporation. The owners have used the property since purchasing it in 1975 to host community events, most notably the annual Amboy Territorial Days.

Besides the two modular buildings that are the subject of this application, the site contains a mobile home as residence for a site caretaker, a well house, a horse arena with announcer booth and snack bar, two concrete restrooms, a food pavilion, two smaller pavilions, two stages, and a number of small buildings, concession stands, booths, etc.

The applicant currently requests approval of two modular buildings of 711 square feet and 1,421 square feet, respectively. The buildings are to be used for storage, while a portion of the smaller building would also be used as a part time office for on site staff. No water or sewer connections to these buildings are proposed.

Access to the site is provided by two existing driveways on NE 399th Street, which abuts the site on the south. The driveways and parking area for the mobile home are gravel. Event parking is provided on the grassy areas on the southern portion of the site.

Abutting the site on the west are rural residential lots. North of the site is vacant property. Cedar Creek abuts most of the east boundary of the site, except for residential lots and the North Clark County Historical Museum, which abut the site on the southeast. South of the site across 399th Street are residential parcels.

The site is served with public water by Clark Public Utilities and has an on-site septic system for sewer. The site is located within Fire District 10.

Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural Center Residential & Parks/Open Space	Rural Center (RC2.5) & Parks/Wildlife	Private Community Park
North	Rural (R-10)	Rural (R-10)	Vacant
East	Rural Center Residential & Rural Commercial	Rural Center (RC-2.5) & Rural Commercial	Vacant, Residential, & Museum
South	Rural Center Residential	Rural Center (RC-1 & RC-2.5)	Residential
West	Rural Center Residential	Rural Center (RC-2.5)	Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis is to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Uses

According to the narrative and information provided by the applicant, the current use of the site was originally established when the Amboy Territorial Days Association purchased the property in 1975.

Use of the site as a privately-owned community park is allowed under the Parks/Wildlife zoning and the Rural Center zoning as a "private recreation facility", subject to approval of a conditional use permit (CUP). The current zoning has been in place since 1994 when the county updated the Comprehensive Plan in compliance with the state Growth Management Act. Between 1980 and 1994 the site was zoned Rural Farm (RF), which also allowed the use as a conditional use. Prior to 1980, the site was in the Rural (FX) zone, which required such use to have a Special Use Permit approved by the Planning Commission and the Board of County Commissioners.

This use of the site is non-conforming in that the property owners have not previously obtained approval of a Special Use Permit or Conditional Use Permit. However, staff considers it a legal non-conforming use (at least in part) because the county has previously acknowledged the use by issuing building permits. Staff's investigation of the county building file reveals that the east restrooms were approved in 1980, a mobile home placement permit was issued for the caretaker residence in 1987, a building permit for the Firemen's concession stand was approved in 1995, and the west restroom facility was approved in 2004. Storage-only permits were issued in 2006 for the two subject modular buildings, which allowed to buildings to be temporarily placed on the site for two years, but the buildings could not be occupied or otherwise used. Staff found no evidence of approvals for other structures on the site.

The proposed use of the two modular buildings is for storage, with a portion of the larger westerly one to be used as an office for on site staff and to hold occasional

meetings of the Amboy Territorial Days Association. A condition is warranted to limit the use of the buildings, accordingly. (see Condition A-1.a.)

Finding 2 Non-Conforming Uses

In accordance with CCC 40.530.020(B):

Illegal Nonconforming. Those uses, structures or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception. Illegal nonconforming uses, structures or lots shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

The burden of establishing that any non-conformity is a legal non-conformity shall be borne by the owner or proponent of such non-conformity. (CCC 40.530.030)

In order for the entire existing facility to be lawful, it is incumbent upon the owners to obtain the necessary permits for those structures for which permits are required but have not yet been obtained. This includes building permits, as well as a shoreline permit for those structures located within the jurisdictional shoreline environment of Cedar Creek. (see Conditions A-1.b. & c.)

Finding 3 Conditional Use Permit

As previously noted, a privately-owned community park is allowed under the RC-2.5 zoning (pursuant to CCC Table 40.210.030-1(3)(b)), subject to approval of a conditional use permit. These same RC-2.5 zoning standards apply to the Parks/Wildlife zoned portion of the site, in accordance with the provisions in CCC 40.200.020(B)(1).

In accordance with CCC 40.520.030(B):

Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of the ordinance codified in this title, shall conform to all regulations pertaining to conditional uses.

While CCC 40.520.030(G) provides that an existing permitted or lawfully non-conforming conditional use may be expanded or modified through site plan review if the expansion results in less than a 25% cumulative enlargement, the addition of the two proposed modular buildings clearly exceeds 25% of the area of the existing permitted structures on the site. Therefore, a new conditional use permit is required.

Finding 4 Conditional Use Permit Approval Criteria

In accordance with CCC 40.520.030(E):

E. Action by the Hearing Examiner.

- 1. In permitting a conditional use the hearing examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding*

property or neighborhood, or the county as a whole. These conditions may include but are not limited to requirements:

- a. Increasing the required lot size or setback dimensions;*
 - b. Increasing street widths;*
 - c. Controlling the location and number of vehicular access points to the property;*
 - d. Increasing the number of off-street parking or loading spaces required;*
 - e. Limiting the number of signs;*
 - f. Limiting the lot coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;*
 - g. Limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area; and*
 - h. Establishing requirements under which any future enlargement or alteration of the use shall be reviewed by the county and new conditions imposed.*
- 2. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.*

According to the applicant's narrative, the use of the modular buildings will be limited to activities already occurring on the site, and will, therefore, not result in any increase in intensity of use of the site. However, staff would point out that this is the first conditional use permit being reviewed for this site. No conditional use review for necessary mitigations has been previously conducted for the conditional use activities that have already been established on this site. As a result of public testimony through the public hearing process, such needs may be identified, in which case the Examiner is authorized to impose conditions and mitigations he deems necessary and appropriate, as provided above.

Finding 5 Development Standards

As previously indicated, the RC-2.5 zoning standards apply to the site, in accordance with the provisions in CCC 40.200.020(B)(1).

The applicable setbacks, in accordance with Table 40.210.030-3 are as follows:

- Front – 25 feet
- Side – 10 feet
- Rear – 10 feet

Based upon the information on the site plan, the proposed modular structures will meet minimum setbacks.

The beer garden stage and concession stand, as identified on the site plan, may not meet the required minimum side setback. As previously indicated, it is incumbent upon the applicant to reconcile existing non-conformities.

The proposed modular buildings comply with the maximum building height standard of 35 feet.

Finding 6 ADA Standards

This facility (Amboy Territorial Days Park) hosts public events and provides for the site to be used by the public. Therefore, it is subject to minimum standards of the Americans with Disabilities Act. As a result of comments from Clark County Building Department staff regarding ADA requirements (Exhibit #14), the applicant has submitted a revised site plan (Exhibit #16) showing 13 proposed accessible parking spaces with accessible routes to the modular buildings.

The ADA spaces will need to be permanent on the site. In order to be fully compliant, the final site plan will need to show the required ADA parking signs for each space and the required accessible routes or circulation paths within the site from the accessible parking to the various uses and public structures. (see Condition A-1.e.)

Conclusion (Land Use):

Based on the above findings, staff concludes that the proposed preliminary plan, subject to the conditions of approval itemized below under Conditions of Approval does or can meet the Land Use Requirements of Clark County Code.

ARCHAEOLOGY:

Finding 7 Archaeology

Based upon Clark County Archaeological Predictive Mapping, 43% of the site is mapped as having Moderate to High (60-100%) probability of containing cultural resources.

An archaeological predetermination survey was conducted by Archaeological Services of Clark County and forwarded to the Washington Department of Archaeology & Historic Preservation. A letter from DAHP dated July 28, 2009 (Exhibit #6, Item 12) states that the department agrees that no further archaeological work is necessary at this time; however, a note on the final site plan will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (see Condition A-1.d.)

TRANSPORTATION:

Finding 8 Roads

NE 399th Street is classified as a "Rural Minor Collector", Rm-2. Clark County Concurrency staff has determined that a traffic study is not required and additional trips are not being proposed. As a result, frontage improvements are not required; however, the applicant is responsible for the dedication of 10 feet of half-width right-of-way in order to meet the 30-foot half-width requirement. The applicant has proposed the 10 feet of right-of-way dedication. (see Condition A-1.f.)

Finding 9 Access

Where connecting to a paved rural street, the connecting road or driveway shall be paved 20 feet back from the edge of the nearest travel lane or to the right-of-way, whichever is greater. Compare the location of the right-of-way to a distance of 20 feet from the travel lane. The greater distance will govern. These distances should be close to equivalent. All driveway approaches to NE 399th Street shall be paved back. (see Condition C-1)

Finding 10 Road Modifications

The applicant has submitted a road modification that asks for relief from frontage improvements; however, staff does not believe frontage improvements are required due to the limited trips created by this proposal.

Finding 11 Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede sight distance requirements.

The applicant submitted a sight distance analysis dated December 15, 2009. Per the applicant, the existing posted speed limit across approximately the west half of the property is 50 miles per hour and the posted speed on approximately the east half of the property is 35 miles per hour. The applicant states that mitigation is required in order to achieve sufficient sight distance from all three existing driveway approaches. A small deciduous tree located just west of the western-most driveway shall be removed. Secondly, a very large fir tree located just east of the middle driveway shall be removed. Thirdly, a large cedar tree located a short distance west of the eastern most driveway impedes sight distance, which shall be addressed by making the existing on-site driveway a one-way driveway. The applicant states that making the driveway loop a one-way driveway is also appropriate because of the narrow width of the driveway (second paragraph). (see Condition C-2)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions cited above, meets the transportation requirements of Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 12 Concurrency

Concurrency staff has reviewed this CUP for the placement of modular buildings at the Amboy Territorial Days Park. These modular buildings are proposed to house office space and storage with a total new square footage of 2,132. Concurrency has estimated the trip generation of these modular structures as both general office and single tenant office. Both trip generations were less than 10 PM peak hour trips; therefore, a 'Traffic Profile' was required per the Concurrency Ordinance.

The applicant has submitted a Traffic Profile that describes the uses and proposed trip generations; thus, complying with the Concurrency Ordinance.

STORMWATER:

Finding 13 Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual. This project proposes 2,000 square feet or more impervious area, which is also less than 5% of the site's area; therefore, the applicant shall comply with Minimum Requirements 1 through 5 per the Clark County Stormwater Manual.

Finding 14 Stormwater Proposal

The applicant has provided a stormwater technical information report and has proposed to use downspouts, splash blocks, and dispersion as methods for the disposal of stormwater. The applicant has proposed approximately 6,800 square feet of impervious area including 4,700 square feet of ADA parking spaces and pathways. (see Condition A-3.a.)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:¹

Finding 15 Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

¹ This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 16 Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. A letter from Clark County Fire District 10 indicates that the on site fire hydrant has a fire flow of approximately 2,000 gallons per minute.

Finding 17 Fire Hydrants

Fire hydrants are required for this application. The existing fire hydrants do not meet the required fire code spacing to structures. Per a letter from the Fire District 10 Fire Chief (Exhibit #20) the existing fire hydrant is adequate to support any structure in this application.

Finding 18 Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application do not adequately provide fire access as required by the fire code. However; per a letter from the Fire District 10 Fire Chief (Exhibit #20) the existing roadway is adequate to support fire access to any structure on this site.

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, based on the discussion above can meet the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 19 Utilities

This site is served by Clark Public Utilities for public water. Sewer service is provided by two on-site septic systems. The two modular buildings are not proposed to be connected to water and sewer.

Finding 20 Health Department

The Clark County Health Department conducted a Development Review Evaluation dated November 19, 2009, submitted by the applicant (Exhibit #6, item 11). The document states that both on-site sewage systems have current satisfactory operation and maintenance reports. The proposed locations of the two portable units will not encroach on the on the on-site sewage systems or the reserve areas.

Conclusion (Water & Sewer Service):

Staff concludes that the proposed preliminary plan meets the water and sewer service requirements of the Clark County Code.

Clark County Health Department Development Review Evaluation

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**
- **DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).**

Determination:

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on February 3, 2010 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;

2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.020(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Alan Boguslawski, Planner II
(360) 397-2375 ext 4921

Responsible Official: Michael V. Butts, Development Services Manager

RECOMMENDATION

Based upon the revised plan (identified as Exhibit #16), and the findings and conclusions stated above, staff recommends that the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Site Plan – The applicant shall submit and obtain county approval of a final site plan in conformance with CCC 40.520.040 and the following conditions of approval:

- a. The following note shall be placed on the face of the final site plan:

"The use of the modular buildings shall be limited to storage of items related to the site events and activities, except a portion of the westerly building may be used as an office for on-site staff and meetings of the Amboy Territorial Days Association. No other use of these buildings is approved." (see Finding 1)

- b. Prior to final site plan approval, the property owners shall obtain final approval of building permits for those existing structures on the site that require building permits under County Code, which have not been obtained. (see Finding 2)
- c. Prior to final site plan approval, the property owners shall obtain a shoreline permit for any non-exempt structures located within the jurisdictional shoreline of Cedar Creek, in accordance with the Washington Shoreline Management Act of 1971 and the Clark County Shoreline Management Master Program. Alternatively, applicable structures shall be removed from the jurisdictional shoreline. (see Finding 2)
- d. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (see Finding 7)
- e. The final site plan shall show the required ADA parking signs for each accessible space and the required accessible routes or circulation paths within the site from the accessible parking to the various uses and public structures. (see Finding 6)
- f. Right-of-way Dedication - Prior to final site plan approval, right-of-way dedication documents (in a format to be provided by the county) for the site frontage of NE 399th Street shall be recorded. (see Finding 8)

A-2 Transportation:

- a. Traffic Control Plan: If necessary, prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-3 Excavation and Grading - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

- a. A grading permit shall be submitted for review and approval. (see Finding 14)

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1** All driveway approaches to NE 399th Street shall be paved back. Where connecting to a paved rural street, the connecting road or driveway shall be paved 20 feet back from the edge of the nearest travel lane or to the right-of-way, whichever is greater. (see Finding 9)
- C-2** Sight distance mitigation and signage shall be provided in accordance with the analysis performed by the applicant. The applicant shall propose signage indicating that the on-site driveway is a one-way driveway. The eastern driveway of the loop shall be an "in" only driveway approach and the western driveway of the loop shall be an "out" only. (see Finding 11)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Not Applicable**

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 None

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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G-1 Expiration of Land Use Approvals - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

<p>Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.</p>

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and any affected neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

Motion for Reconsideration:

Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

Appeal Rights:

Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

Attachments:

- Copy of Proposed (Revised) Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:		
-On-site landscape plan		X
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.



HEARING EXAMINER EXHIBITS

Project Name: AMBOY TERRITORIAL PARK ASSOCIATION

Case Number: CUP2009-00010; PSR2009-00039; SEP2009-00080

Hearing Date: 4-8-10

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	9/17/09	Applicant: Rick Johnson	Full Size Map
6	9/17/09	Applicant: Rick Johnson	Application Packet: Cover Sheet, Application Form, Pre-App Rpt, GIS Packet, Narrative, Plans, Stormwater Design, Engineers Statement, Traffic Profile, SEPA Checklist, Public Health Letter, Arch Pre-Determination, Sight Distance Cert, Deeds, Email re: Zoning Designation, Road Mod Request
7	10/9/09	CC Development Services	Development Review NOT Fully Complete Letter
8	10/19/09	Applicant: Rick Johnson	Letter re: Exhibit # 7
9	11/24/09	CC Development Services	Development Review 2nd NOT Fully Complete Letter
10	12/28/09	CC Development Services	Development Review 3 rd NOT Fully Complete Letter
11	1/25/10	CC Development Services	Development Review Fully Complete Letter
12	2/3/10	CC Development Services	Notice of Type III Review/Optional SEPA/Public Hearing
13	2/3/10	CC Development Services	Affidavit of Sending Type III Notice
14	2/24/10	CC Development Services	Early Issues Comments
15	3/10/10	PLS Engineering	Addendum to Drainage Report
16	3/12/10	Applicant: Rick Johnson	Revised site plan, stormwater plan, response to early issues.

17	3/16/10	Applicant Contact: Tom Self	Affidavit of Posting Land Use Sign
18	3/16/10	PLS Engineering	Stormwater Pollution Prevention Plan
19	3/19/10	CC Development Services	Affidavit of Posing Public Notice
20	3/22/10	Clark County Fire District 10	Letter regarding fire hydrants and access
21	3/22/10	CC Development Services – Alan Boguslawski, Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810